

Chippewa Hills School District Technology Office

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RECEIVED & INSPECTED

OCT 24 2005

FCC - MAILROOM



"Building our Future with Technology"

October 17, 2005

FCC
Office of the Secretary
445 12th Street SW
Washington, DC 20554

Dear Sir or Madam,

DOCKET FILE COPY ORIGINAL

Re: CC Docket No.: 02-6
Request for Review
Billed Entity Number: 131502
Billed Entity FCC RN: 13442157
471 Application Number: 360011
Funding Request Number: 1258118
Funding Commitment Decision Letter dated July 20, 2005
Administrators Decision on Appeal dated September 30, 2005
USAC Administrators Decision on Appeal – Funding Year 2005-2006

This is a letter of appeal to the FCC written in response to a denial of our appeal to USAC Schools and Libraries Division.

The original 471 application was for priority one long distance phone service. It was denied for the following reason: **28 Day Waiting Period Violated.**

Dear Sir or Madam:

This letter is sent to appeal the decision in the above Funding Commitment Decision Letter, which denies funding for the following reason: **\$0.00 – 28 Day Waiting Period Violated.**

We appeal on the following basis:

The 28 day waiting period was NOT violated. Our decision to go with Qwest through a State of Michigan contract was made after the 28-day waiting period on our original Form 470 (filed Jan 7, 2005). We memorialized our choice to go with the state contract by contacting Mr. Chuck Bonner of Qwest via email. His instructions indicated that a **written contract would not be issued by Qwest** because the existing state contract was in place and valid until 2009. He indicated that we should email Qwest another reminder in June to have us make the switch to the state contract. He also indicated the State of Michigan Web site so we could obtain the original contract date for USF E-rate purposes.

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Note the following USF rule:

Reporting the Contract Award Date for state master contracts. The Contract Award Date shall not be earlier than the 29th day after the posting of the Form 470. If an applicant files its own Form 470 and chooses either a new or a pre-existing state master contract as the most cost effective bid, it is advisable for the applicant to memorialize its decision to purchase off the state master contract after the bidding process is complete and to record the date of this memorialization as the relevant Contract Award Date in its submitted Form 471 application

The pre-existing State of Michigan contract was definitely the lowest bid. Our decision to utilize this bid was made after the 28-day filing period.

Mr. Robert Herring of the SLD PIA team did **NOT** indicate to us the above rule was valid as he should have. Instead, he indicated to us the only way the 471 would be valid was to come up with the State of Michigan's Form 470 from 3 years ago. That was impossible because the contract was handled in a different department at that time and no form 470 was available. I asked the State to supply me with a valid Form 470 number, which they did. Mr. Herring then requested we change our form 470 number to the new one from the State of Michigan. We subsequently learned that the State's 470 had not been filed until Jan 20, 2005 and it forced our contract acceptance date to be **BEFORE** the 28 day waiting period, an obvious violation.

We only provided an alternative State of Michigan Form 470 that was used for this bid when it was requested by Mr. Herring. He should have indicated that the original form 470 was valid and asked for our letter of memorialization (an email requesting the state contract from Qwest).

The SLD Ombudsman's office tried to help us but felt that the FCC appeal would be our best route. Everyone seems to understand the problem but nobody is willing to help. Our original Form 470 should have been used and made our acceptance well outside of the 28 day waiting period. We feel we have followed the spirit of the Erate process and are being denied on an unfair technicality. Please help us in approving our request for USF services.

Yours truly,



A. Alan Metcaif
Technology Director
Chippewa Hills School District

Enclosures: 2

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"Technology for Our Future"

October 1, 2005

Mr. Paul Stankus
Schools and Libraries Division, USAC
Ombudsman's Office

Dear Mr. Stankus,

I thought I should put down in words what we discussed yesterday so someone else can follow the story.

We originally created a Form 470 and posted it on January 7, 2005 for 28 days. We got no response from anyone (which is usual). I called our current long distance provider rep, Chuck Bonner, and asked for a new contract number through the MiCTA organization (Multi-state bid contract). He indicated that MiCTA had not re-negotiated a contract and probably would not before the USF deadline for 471 was past. He also indicated not to worry because there was another pre-existing state contract through the MiDEAL organization that we were eligible for because we are a public school. The rates were slightly better than with the older MiCTA contract. I emailed him asking for the details. (see attached email).

We liked the rates and decided to go with the state contract. I emailed him to request to switch us over to the Qwest MiDeal contract. (see attached email).

We filed the 471 using the state contract numbers supplied by Qwest and pulled from the Internet sight for MiDEAL. We used our own Jan 7, 2005 form 470 number on this application.

On June 6, we got a letter from Robert Herring (PIA Team) indicating that the contract for the state was signed in 2003 and this was before our allowable contract date of 2/4/2005 using our form 470 and thus violated the 28 day waiting period. I talked with him by phone and I indicated that this was a STATE contract good for 6 years and we should be eligible using our own form 470. He said we needed the state's form 470 that was used to create this contract. I contacted Jeanine Hurley at the State of Michigan (see attached response) and she gave me a new form 470 number (349770000538798), which she said should work for the Qwest contract with MiDeal.

We got denied because we did not meet the 28 day waiting period. I felt this was wrong because our 470 allowable contract date (ACD) was not violated and we had an e-mail memorializing our decision to use the state contract after the ACD. Apparently the State of Michigan 470 number was now being used and it had a different ACD that made us ineligible.

Sincerely,

Alan Metcalf
Technology Coordinator
Chippewa Hills School District

Alan Metcalf

From: Alan Metcalf [tech@chsd.us]
Sent: Tuesday, February 15, 2005 8:09 AM
To: Chuck Bonner
Subject: Switch to MiDeal for Chippewa Hills

Chuck,

Because MiCTA did not re-negotiate a contract with Qwest, we are in a real bind with the USF on this year's contract. We didn't get any other bids from anyone other than you through our 470 (410200000530877) which is typical, but the State of Michigan rates are way lower than anything we have seen. You indicated that we could easily use the State of Michigan contract through the Michigan MiDeal organization since we are a public school and the rates are now even less than with MiCTA.

Please get us set up to do this as soon as possible. We definitely want Qwest to be our long distance carrier for the upcoming 2005-2006 fiscal year. You indicated that we don't have to sign a mini contract with the State of Michigan like we did with MiCTA and that that is OK with USF. This email represents our request to have you switch us over to the MiDeal contract through the State of Michigan.

I will put a reminder in my palm to check with you again in June to make sure we are set and ready to go

Thanks for your help on this.

Alan Metcalf
Technology Director
Chippewa Hills School District
Voice 989.967.8508

tech@chsd.us

10/17/2005